

Applic. No. 10/685,063  
Response Dated March 17, 2005  
Responsive to Office Action of December 22, 2004

**Remarks:**

Reconsideration of the application is respectfully requested.

Claims 1 and 3-9 are presently pending in the application.

Claims 1 and 5 have been amended. Claim 2 has been canceled.

**Patentability of claims 1, 3 and 4:**

In the first paragraph on page 5 of the above-mentioned Office action, the Examiner stated that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Amended claim 1 includes the subject matter of original claim 1 and allowable claim 2. Amended claim 1 is therefore allowable. Claim 3 and 4 are dependent on amended claim 1 and are therefore also allowable.

**Patentability of claims 5-9:**

In the last paragraph on page 2 of the Office action, claim 5-7 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by JP 7-259884 (Kobayashi).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page

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12, lines 16-19 of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of amended claim 5 would be helpful. Amended claim 5 defines a transmission, including:

- a transmission input shaft (4);
- a driving disc (3) and a clutch basket (2);
- the driving disc (3) and the transmission input shaft (4) being connected to one another in a manner fixed against relative rotation;
- the driving disc (3) and the clutch basket (2) each having an outer circumference, each of the driving disc (3) and the clutch basket (2) having teeth (6) on the outer circumference and each of the driving disc (3) and the clutch basket (2) having tooth spaces (15) formed on the outer circumference;
- the driving disc (3) and the clutch basket being configured such that the driving disc can be axially plugged into the clutch basket (2) for providing a plug-in intermeshing;
- the teeth and the tooth spaces of the clutch basket corresponding to the tooth spaces (15) and the teeth (6) of the driving disc (3) such that pairs are formed, each of the pairs including one of the teeth of the driving disc or the

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- clutch basket and a corresponding one of the tooth spaces of the clutch basket or the driving disc; and
- one of the teeth (6", 11") located on the outer circumference of the driving disc (3) or on the outer circumferences of the clutch basket (2) being displaced circumferentially in a given direction (18) with respect to a corresponding one of the tooth spaces (8", 15") on the outer circumference of the clutch basket or on the outer circumference of the driving disc for providing a rattle-free connection between the clutch basket (2) and the driving disc (3).

In contrast, Kobayashi discloses an automatic transmission with a transmission case or transmission housing 31. The transmission case 31 has spline slots 32 formed on the inside of the transmission case 31. The automatic transmission of Kobayashi further includes driven plates 35 with splines 36 formed along the perimeter of the driven plates 35. The driven plates 35 are fitted into the transmission case 31 such that the splines 35 of the driven plates 35 are fitted into the spline slots 32 of the transmission case 31. It is noted that the transmission case 31 is fixed with respect to the vehicle and thus neither the transmission case 31 nor the driven plates 35 rotate.

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In the last paragraph on page 2 of the Office action, the Examiner interpreted the driven plate 35 of Kobayashi as the driving disc 3 of the present invention and further interpreted the transmission case 31 of Kobayashi as the clutch basket 2 of the present invention.

It is noted that claim 5 has been amended by defining that the driving disc (3) and the transmission input shaft (4) are connected to one another in a manner fixed against relative rotation. In other words, the driving disc (3) of the present invention rotates together with the transmission input shaft (4). The clutch basket (2) consequently rotates with the driving disc (3) and the input shaft (4).

In contrast, the transmission case 31 and the transmission input shaft of Kobayashi are not connected to one another in a manner fixed against relative rotation. Neither the transmission case 31 nor the driven plate 35 of Kobayashi rotate with the transmission input shaft. Thus, Kobayashi does not anticipate the subject matter of amended claim 5.

Kobayashi also does not make it obvious to provide the combination of features as defined in amended claim 5. It is noted that Kobayashi teaches a spline connection that reduces looseness between the transmission case 31 and the driven

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plate 35 because the weight of the driven plate 35 pushes the driven plate 35 downward. Kobayashi's spline connection relies on gravitational forces for reducing looseness. The spline connection of Kobayashi achieves the reduction of looseness only if the transmission case 31 and the driven plate 35 do not rotate because the direction of the gravitational force must be fixed with respect to the splines 36 and the spline grooves 32.

Because the spline connection of Kobayashi reduces looseness only in non-rotating spline connections and cannot reduce looseness for rotating parts, there is no motivation to use the invention of Kobayashi for a driving disc and a clutch basket that rotate with the transmission input shaft.

Applicants note that a spline connection between a clutch basket and a driving disc is exposed to a continuous rotational load. A person of skill in the art would therefore not be motivated to use Kobayashi's spline connection, which only reduces looseness of non-rotating parts, for a rotating driving disc and a rotating clutch basket. Thus, Kobayashi neither teaches, nor suggests, a transmission as recited in amended claim 5 of the instant application.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest

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the features of amended claim 5. Amended claim 5 is, therefore, believed to be patentable over the art. Dependent claims 6-9 are believed to be patentable as well because they all are ultimately dependent on amended claim 5. As explained above, claims 1, 3 and 4 are also patentable.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-9 are solicited.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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March 17, 2005

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